

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Secion 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Warrenton, North Carolina and)
La Crosse, Virginia))

MM Docket No. 97-229
RM-9100

RECEIVED

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

DEC 29 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF PATRICIA B. WAGSTAFF

Patricia B. Wagstaff, by counsel, hereby submits comments in response to the Commission's Notice of Proposed Rulemaking in the above-identified proceeding wherein the Commission proposes to realLOT Channel 297C2 from Warrenton, North Carolina to La Crosse, Virginia. Wagstaff is the licensee of FM station WFXQ, Chase City, Virginia.

It is well-settled law that in considering a realLOTment proposal such as that put forward here by the original petitioner, MainQuad, Inc., the Commission must adopt an allotment scheme that most furthers the long-standing allotment priorities established in Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982). The highest priority that appears to be served by the subject proposal would be the third priority -- providing a first local service to as many communities as possible. The proposal would result in a first local service for La Crosse, while leaving Warrenton with the remaining local service provided by AM station WARR.

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A significant flaw in this proposal is that it overlooks the mandate of Section 307(b) of the Communications Act to apportion broadcast facilities "among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same." [Emphasis added.] The adoption of the subject proposal would move an allotment from one state to another, from North Carolina to Virginia. Neither MainQuad's Petition for Rulemaking nor the Commission's Notice of Proposed Rulemaking addresses this question. An assessment of this issue would appear to be required by the Communications Act.

The communities along the boundary between North Carolina and Virginia identify closely with their respective states and rely upon the local broadcast media on each side of the boundary to provide the most knowledgeable local service of events and issues of importance in their respective states. The unnecessary reallocation of a channel from one state to the other has the potential to upset that balance of intrastate services.

There appears to be an alternative course of action which would retain the existing balance between North Carolina and Virginia, and which could also meet the objective of providing a first local service to another community. Channel 297C2 could be reallocated to Littleton, North Carolina.

Littleton lies on U.S. Route 158 on the boundary of Warren and Halifax Counties. It has no existing local aural broadcast service. With a 1990 population of 691, it is larger than La Crosse, and therefore more deserving of its own local service

than La Crosse, without regard to the issue of moving across a state line. Adopting Littleton as the community of license for WXNC would also present the happy circumstance that the reference coordinates for the present allotment could be used as a Littleton allotment. Furthermore, Littleton could be served from WXNC's presently authorized site. This would remedy another flaw in the pending proposal concerning the loss of service to a significant number of people. Moving the allotment to Littleton would not necessitate the loss of service for any presently covered population.

Reallotment of the Warrenton channel to another North Carolina community, such as Littleton, would better satisfy the Commission's allotment priorities. Wagstaff opposes the proposed reallotment of Channel 297C2 to La Crosse for the reasons stated above and urges the Commission to reject this proposal.

Respectfully submitted,

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December 29, 1997

CERTIFICATE OF SERVICE

I, Donald E. Martin, hereby certify this 29th day of December, 1997, that I have caused a copy of the foregoing document to be served by United States mail with first class postage prepaid upon the following:

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